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In re Application of:
Horvitz et al. : DECISION ON PETITION TO
Serial No.: 08/984,178 : WITHDRAW THE HOLDING
Filed: December 3, 1997 : OF ABANDONMENT
Attorney Docket No.: 01997198006 :

This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on October 6, 2003, requesting withdrawal of the holding of abandonment of the above-identified application based on non-receipt of an Office action and to restore the application to a pending status. The delay in acting upon this petition is regretted.

A review of the file history shows that the Office mailed a Notice of Allowance and Issue Fee Due, setting a three-month statutory period for reply, and a Notice of Allowability, setting a three-month shortened statutory period for reply, to applicants on April 2, 2003. Applicants state that the Notices were never received and provide as evidence thereof a copy of the redacted docket record, showing non-receipt of the Notices. Applicants also provide a declaration attesting to the fact that the Notices were never received. Based on the evidence presented, it is concluded that applicants never received the Notices. In view thereof, the Notices mailed April 2, 2003 are vacated and the application is restored to pending status with the mailing date of this decision.

Applicants' petition is **GRANTED**. The application will be forwarded to the examiner for prompt mailing of a new Notice of Allowance and Issue Fee Due and the Notice of Allowability.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Marianne C. Seidel, Jr.
Jasemine C. Chambers
Director, Technology Center 1600